**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**MISC.CIVIL APPLICATION - FOR TRANSFER No. 2305 of 2005**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**REKHABEN AMBALAL SEJPAL WIFE OF DILIPKUMAR VYAS - Applicant(s)**

**Versus**

**DILIPKUMAR BHIKHALAL VYAS - Opponent(s)**

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**Appearance :**
MR MTM HAKIM for the Applicant
MR JM MALKAN WITH MR RAXIT J DHOLAKIA for the Opponent

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**CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI**

**Date : 24/01/2006**

**ORAL JUDGMENT**

1. After this Court passed order on 09.01.2006, awarding cost of Rs.25,000/- (Rupees Twenty Five Thousand Only) by the respondent – husband to the petitioner (applicant – wife) and made 'rule' absolute, Mr.Raxit J.Dholakia, the learned advocate appearing for the

respondent – husband requested for permission to retire from the matter. The Court had observed that the said request can be considered only in presence of the party. At his request, the matter was adjourned to 18.01.2006. On 18.01.2006, the respondent – husband was present. On that day, the learned advocate Mr.Dholakia was requested by the respondent – Dilipkumar Bhikhalal Vyas to continue to defend him in the case. On that day, the matter was adjourned for today.

2. Today when the matter is called out, Mr.Dholakia, the learned advocate for the respondent – husband requested the Court to permit the learned advocate Mr.J.M.Malkan to appear with him. Permission is granted.

3. Mr.J.M.Malkan, the learned advocate invited the attention of the Court to the affidavit filed by the respondent – husband affirmed on 22.01.2006. The matter is heard at length. The order dated 09.01.2006 is recalled.

4. After hearing both the learned advocates, this Misc.Civil Application is allowed. H.M.Petition No.34 of 2005 pending before the Court of Civil Judge, Porbandar is transferred to the Court of Civil Judge, Vadodara.

Besides, it is directed that the said H.M.Petition shall be heard with H.M.Petition No.285 of 2004 filed by the wife in the Court of Civil Judge (S.D.), Vadodara.

The learned Judge at Vadodara to give priority to the matter/s and decide them as early as possible, but not later than 31.07.2006.

This direction is given on an assurance given by both the learned advocates that both the parties and their advocates will extend full cooperation to the learned Judge in complying with the aforesaid direction.

5. The Misc.Civil Application is allowed. Rule is made absolute with no order as to costs.

(RAVI R.TRIPATHI, J.)

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